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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,504	09/28/2001	Itaru Fukushima	K-2010	2561

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,504

Applicant(s)

FUKUSHIMA ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22 and 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Cancellation of claim 23 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-22 and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al (1,567,706), hereafter Cameron, in view of Pfister (1,340,137). Cameron discloses feed path of recording medium 3 in figure 1, which is the path that the medium 3 travels; curved portion occurs when the medium is bent around element 1; transfer direction is the direction that medium 3 is traveling in figure 1; middle is at 1; first feed rollers 12, which are shown in figures 4 and 5, and although they are not shown in figure 1, it is implied that they are part of the apparatus because the apparatus is used with calendering rolls as stated in column 1, lines 17-21; end cutter 6, 7; side cutter 1, 2; axes inside elements 1 and 2; end cutter moving mechanism 6; upstream side is to the right of cutter 6, 7 in figure 1; feed path length is shorter than length of the recording medium in the transfer direction as seen in figures 4 and 5; the transfer direction is defined by the length that the recording medium travels, and in the figures 4 and 5 the transfer direction length is from the right side on the figure to the left side of the figure; it is implied in column 3, lines 37-39, that cutter 6, 7 cuts a leading edge, cutter 2 partially cuts

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the medium and completely cuts the medium, and the cutter 6 and 7 cuts the trailing edge because the frequency of rotation of cutter 6 and 7 can be changed; curved portion has about 90 degrees; second pair of feed rollers 4, 5; side cutting driving mechanism in column 3, lines 1-2 and 15-17; containing section 10; containing section 10 inherently has an antistatic property as shown in figure 3 because the medium 8 are not wrinkled or bunched-up due to static friction, but instead in linear relationship to one another; housing shown in figure 1; corner portion is the element that side cutter 1 and 2 is mounted on; fixed blade 7; movable blade 6; end cutter moving mechanism is inherent because the movable blade 7 would not rotate without a moving mechanism. Cameron does not disclose two pairs of rotary blades, and does not disclose transfer rollers. However, Pfister teaches two pairs of rotary blades 35, 36; transfer rollers 17, 18, 24, 25. It would have been obvious to provide two pairs of rotary blades and transfer rollers in Cameron in view of Pfister in order to produce a clean, shearing cut in the case that the material thickness is doubled or tripled. See column 3, lines 1-10.

Response to Arguments

Applicant's arguments filed 06/21/2004 have been fully considered but they are not persuasive. Applicant asserts that the cited references do not disclose or suggest a side cutter with axes, two pairs of rotary blades formed on the axes and transfer rollers on the axes. It is believed that Pfister discloses rotary blades 35, 36; feed rollers 17, 18, 24, 25. Axes are disclosed in Cameron inside elements 1 and 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The

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examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

JNA
IH

August 31, 2004

Boyer Ashley
BOYER ASHLEY
PRIMARY EXAMINER